Previous references.

1911.-12

(Ch.)

File No. 283

Serial Nos. 1-3

Later references.

Ch 47-12.

R 202-15(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Part B. for October 1912

SUBJECT.

Change of form of Vakalatnama.
(R. A. subject 65)

1. To the Registrar, Ch. Ct. no. 3077 dy 20-4-12.
   Calls for the opinions of the Judges on the above.
2. From the same. no. 493/32 dy 6-8-12.
   Forwards the opinion of the Chief Court in the matter
3. To the Registrar Chief Court + the Dt. Mgt. Umpore
   no. j. 1222-3 dy 31-10-12
   Observes that the existing rules which have long been in force safeguard the interests of parties better than the proposed alteration that it has not been made out that there is so much inconvenience as would justify a change.

G. R. S. 58

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 283-11

FILE HEADING.

Change of form of the Mokhtyarnama (R.A. Subject no. 65)

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

GPB—30,000—12-8-11

2

Ch 283 11

SUBJECT No. 65.

Change of form of the moktyarnama.

Messrs. Amble Anniah Pandit and C. Narasimhaiya, District Board, Mysore, and Veene Rangaswami Iyengar, Seringapatam taluk.

Summary of discussion.—Lawyers are now required, when accepting a power of attorney, to certify that clients are personally known to them. As this system causes at times inconvenience both to lawyers and clients, the present certificate "personally known to me" may be replaced by "that he is the plaintiff or defendant (as the case may be)" or by some such equivalent.

Reply of Government.—The Chief Court will be consulted.

Subd. with a draft to the Rgtr, Chief Court for opinion of the judges.

K.V. (123) SW 15.4.12

2 Asst Sec

Secs. 20/4/12

17/4/12

Do.

The Registrar, Chief Court of Mysore

no. J 30778 20.4.12

Calls for the opinion of the Judges on the representation.

3

R. S. 12]

General and Revenue Secretariat.

Cl. : File No. 283 of 1911-12

Serial No.

2 From the Registrar, Chief Court
No 493 S 6.8.12.

Forwards the opinion of the Chief Court in the matter of Changing the form of Vakalatnamas.

3 Subd for orders, with a draft.
Hcq in SR(11)
13.8.12.

4 The Suggestion of the Ch Ct. may perhaps be approved It is to be hoped that the Confidence reposed in the members of the profession will not be abused.

15/8/12

5 I agree.
15/8/12

5-59 1st Dy

Dewan

2911
~~2907~~
17/8/12

6 The proposed Changes now come
16/8
16/8/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

ment — The Hon'ble

G[●]R. S. 12]

General and Revenue Secretariat.

C&I File No. 283 of 1911-12

Serial No.

Rule is 27 Jeanaldi — Secy
Rest in peace unobstructed

Bill

7. Pat. on drugs & Poisons
by 1st Councilor

14/10.

Draft Subs.
Secy
18/10/12

15/10

18/10.

1020 Draft appd by 1st Councillor.
22/10/12

10 June 25/10

B 13/11/12

3 To The Regr Ch. Ct, D. Court Bijapur.
No J 1222-3 of 31-10-12

Observes that the existing rules which have long been in force safeguard the interests of

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | C8- File No. 283 of 1911

Serial No.

of parties better than the proposed alteration and that it has not been made out that there is so much inconvenience as would justify a change

NOTE—Contn. sheet.

GPB—85,000—17-6-12.

T 1

File No. 2831-11

Serial No. 1

Diary No. of letter replied to _____

No. J 3044

General and Revenue Secretariat

To The Registrar, Chief Court of Mysore

Sir,

Date of issue 20-4-12

Signed by ಎಸ್. ವಿಜಯಮಾಲಿಂಗಪ್ಪ

I am directed to invite your attention to subject No. 65 of the Proceedings of the Representative Assembly of 1911 and the reply of Government thereto in the matter of change of form of the Mokhtyaranama

and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

List of enclosures _____

Drafted by KN. (123) 15.4.12

Copied by [illegible] 19/4/12

Examined by SN 19/4/12

I have, etc.,

For *Secretary to Govt.*

SN(a) 16/4/12

GPB—500—7-11-11

no: 493/32 Secy.one

2

CHIEF COURT OF MYSORE,

Bangalore, dated 6th August 1912.

DIARY No. 1387

1911-1912
SECTION Courts
FILE No. 283-11
SERIAL No. 2

From

The Registrar of the
Chief Court of Mysore

To

The Secretary to the Govt: of Mysore,
General and Revenue Departments.

S i r,

Adverting to your ~~last~~ letter No. J. 3077/Cts283-11-1 dated the 20th April 1912, in the matter of change of form of Vakalatnamas, I am directed to state that the Law Associations at Bangalore, Mysore and Shimoga were consulted as to whether the words "he is satisfied that the person from whom he received it is either the party himself or one who has been authorized by the party to deliver it to him as the case may be" can be substituted for the words "the vakalat has been signed by the client in his presence and that the client is personally known to him" in the present rules. While the members of the Bangalore Bar are in favour of the proposed alteration, those of Mysore and Shimoga do not approve of it, being apparently under a misapprehension as the enclosed note by the Chief Judge will show. The

Chief

Chief Court are of opinion that the rules may, with advantage, be changed on the lines indicated in the said note, in which the other judges concur. Should the Government approve of the same, the necessary Rule of Practice will be issued in supersession of the existing Circular Letters Nos. 68 and 97.

I have the honour to be,
Sir,
Your most obedient servant,

REGISTRAR.

N.G.

187

N O T E by the C H I E F J U D G E.

Sub to ds 24-3-11 = L

Mr. Justice Chandrasekhara Aiyar and I had a long discussion about this with the members of the bar here, and they are unanimously of opinion that a change in the direction intended is very desirable. They are further of opinion that the opinions of the Secretaries of the Bar Associations of Mysore and Shimoga are based on a misconception of what was proposed by this court. We entirely agree with this opinion of the members of the Bangalore Bar. We did not want to do away with Rule 1 of the rules published at page 138 of the Civil Digest, according to which Vakalats may be authenticated by public functionaries as well as by legal practitioners in cases where the latter know the parties personally; but we wanted to make an additional provision to the effect that in cases where authentication in the above modes was not possible, a certificate by the advocate or pleader that he had satisfied himself that the Vakalat produced by him was signed by the party by whom it purported to have been signed, might be accepted as sufficient. This addition, the members of the Bangalore Bar think, may well be made since it will go a great way towards removing the inconveniences which both they and the suitors now suffer in the matter of getting the Vakalats authenticated; and they are also of opinion that the privilege, if conferred, is not likely to be abused by the members of the profession. Having given the subject our most anxious considerations, we have arrived at the conclusion that Rules 1 and 2 may be altered as follows : -

1. Every Vakalatnama must be authenticated by some public functionary except where the advocate or pleader certifies either that the Vakalat was signed in his presence by the client who is personally known to him, or that he has satisfied himself that the Vakalat produced by him was signed by the party by whom it purports to have been signed.

5

2. The expression "public functionary" in the above rule includes Taluk Sheristadar, Sheikdar, Shanbhogue and Patel if able to read and write, and the Chief ministerial officer of the court in which the Vakalatnama is intended to be filed, if that court is a District Court or a court of the Subordinate Judge.

29.7.12. (Initialled)/- P.S.K.

Copy

Registrar.

NV.

6

G.R.S. 28]

Cs File No. 283-11
Serial No. 3.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

the 191

READ—

Subject N 65 of the Progs of the Representative Assembly of 1911, and the reply of Govt thereto,

Date of issue 31-10-12

Signed by Sm B.V. Kesavaiyar

~~ORDER THEREON. No.~~

in the matter of Changing the mode of authentication of Vakalatnamas

(2) Letter N 493-32 dated the 6th August 1912 from

over.

SUBJECT.

the Registrar, Chief
Court, on the Subject

Order thereon. N:- J 1222-3/ch283-11-3 of 31-10-12

Ct. Consider that the
existing rules, ~~need not~~
~~be altered~~.

which have long been in force ~~to~~ safe-guard the interests of parties better than the proposed alteration, and that ~~the~~ it has not been made out that there is so much inconvenience as would justify a change.

Secy to Ct.

The Registrar, Chief Court
" Dy. Comms. Mysore
for Communication to the
R. A. members. Concerned

22/10/12.

HC 3
18/10/12